

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BRIAN K. REINBOLD,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 04-342 (GMS)
)	Civil Action No. 05-47 (GMS)
NALC LOCAL 1977, et al.)	
)	
Defendants.)	

ORDER

WHEREAS, Brian K. Reinbold (“Reinbold”) filed the above-captioned actions against the National Association of Letter Carriers (“NALC”) Branch 1977, NALC Branch191 (collectively, the “NALC defendants”), and the United States Postal Services (“USPS”), alleging that the NALC defendants breached their duty of fair representation, and the USPS breached the collective bargaining agreement;¹

WHEREAS, on November 2, 2005, the NALC defendants filed a Motion to Dismiss for Lack of Prosecution or in the Alternative to Compel Discovery (D.I. 22);²

WHEREAS, the motion and accompanying memorandum assert that Reinbold never responded to document requests and interrogatories that the NALC defendants served on him, on June 29, 2005;

WHEREAS, the motion requests the court to dismiss Reinbold’s case for failure to prosecute or compel him to respond to the NALC defendants’ requests;

¹ The court consolidated Reinbold’s two actions for pre-trial purposes.

² For convenience, the court will refer to docket item numbers in the 05-47(GMS) case.

WHEREAS, the motion alternatively requests the court to extend the NALC defendants' discovery deadline for 60 days, and to extend the deadline for summary judgment motions by an additional 30 days following the completion of discovery;

WHEREAS, on November 17, 2005, Reinbold filed an opposition (D.I. 26) to the NALC defendants' motion to dismiss;

WHEREAS, Reinbold's opposition states that he responded to the NALC defendants' discovery requests, via certified mail, on July 26, 2005, and that the NALC defendants received his responses on July 28, 2005;

WHEREAS, after having considered the parties submissions on the motion (D.I. 22, 23, 26, 27), the court concludes that it is in the interest of justice to deny the NALC defendants' motion to dismiss or to compel discovery, as Reinbold timely responded to their discovery requests; and

WHEREAS, the court further concludes that it is appropriate under the circumstances to extend the NALC defendants' deadline for summary judgment motions;

IT IS HEREBY ORDERED that:

1. The NALC defendants' Motion to Dismiss for Lack of Prosecution or in the Alternative to Compel Discovery (D.I. 22) is DENIED.
2. The NALC defendants' request (D.I. 27) to extend the deadline for filing summary judgment motions is GRANTED.
3. The NALC defendants shall answer the complaint or file summary judgment motions within 15 days of the date of this Order.

4. The Joint Motion to Extend Discovery and to Extend the Summary Judgment Deadline (D.I. 28) is DENIED as moot.

Dated: April 10, 2006

/s/ Gregory M. Sleet
UNITED STATES DISTRICT JUDGE